

Bruce D. Greenberg
Jeffrey A. Shooman
LITE DEPALMA GREENBERG, LLC
Two Gateway Center, Suite 1201
Newark, NJ 07102
Telephone: (973) 623-3000
Facsimile (973) 877-3872
bgreenberg@litedepalma.com
jshooman@litedepalma.com

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ThermoLife International, LLC, an Arizona limited liability company

Plaintiffs,

vs.

Gaspari Nutrition, Inc., a New Jersey Corporation

Defendants.

Case No:

U.S. District Court for the District of Arizona
Case No. 2:11-cv-01056-NVW

MOTION TO COMPEL COMPLIANCE WITH SUBPOENA *DUCES TECUM*

PLEASE TAKE NOTICE that pursuant to Federal Rule of Civil Procedure 45, ThermoLife International, LLC (“ThermoLife”), an Arizona limited liability company, hereby moves to compel Command Nutritionals to comply with the subpoena issued by this Court in the case captioned *ThermoLife International LLC v. Gaspari Nutrition, Inc.*, Case No. 2:11-cv-01056-NVW, currently pending in the United States District Court for the District of Arizona.

PLEASE TAKE FURTHER NOTICE that pursuant to Federal Rule of Civil Procedure 45, ThermoLife seeks its attorneys' fees and expenses incurred in connection with the filing of this Motion.

PLEASE TAKE FURTHER NOTICE that ThermoLife will rely upon the Local Civil Rule 37.1(b)(1) Affidavit of Gregory Collins and accompanying exhibits in support of such Motion.

Respectfully submitted:

Dated: May 17, 2013

LITE DEPALMA GREENBERG, LLC

By: /s/ Jeffrey A. Shooman

Jeffrey A. Shooman
Two Gateway Center, Suite 1201
Newark, NJ 07102

Attorneys for Plaintiff ThermoLife International LLC